



Ordinance Number 552

**AN ORDINANCE AMENDING CHAPTER 171-6 (C) 111.2 OF THE CODE OF
THE TOWN OF ELSMERE CONCERNING THE NUMBER OF DAYS THE
BOARD OF ADJUSTMENT HAS TO MEET AND CONSIDER AN APPEAL**

Sponsored By: 3rd District Councilman Robert Kacperski

First and Second Reading:
April 12, 2012

Results: Passed 5 In Favor, 1 Opposed with 1 Absent

Third and Final Reading:
May 10, 2012

Results: Passed 7 In Favor, 0 Opposed

Ordinance Number 552

AN ORDINANCE AMENDING CHAPTER 171-6 (C) 111.2 NOTICE OF MEETING, OF THE CODE OF THE TOWN OF ELSMERE CONCERNING THE NUMBER OF DAYS THE BOARD OF ADJUSTMENT HAS TO MEET AND CONSIDER AN APPEAL

WHEREAS, requiring the Board of Adjustment to meet and consider an appeal within 20 days of the appeal being filed has caused significant scheduling issues and has the potential to cause additional and continued administrative and scheduling difficulties and public confusion; and

WHEREAS, the Mayor and Council wish to resolve these issues.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

That Chapter 176-6 (C) 111.2 Notice of meeting, of the Code of the Town of Elsmere be deleted in its entirety and a new Chapter 176-6 (C) 111.2 be inserted in its place to read as follows.

111.2 Notice of meeting. Once an appeal has been properly filed, a date shall be set for when the Board of Adjustment shall hear the appeal. If on the date the appeal was filed there are more than 14 days before the next regularly scheduled meeting of the Board, the appeal shall be heard at that meeting. However, if there are less than 14 days before the next regularly scheduled meeting of the Board, the date for the appeal hearing shall be the fourth Thursday of the month following the month in which the appeal was filed.

These requirements shall not prohibit the scheduling of the appeal hearing from being held at any other public meeting of the Board provided that the provisions of the section are waived by mutual agreement by both the appellant and the Town Manager in a written agreement.

April 12, 2012
First and Second Reading

May 10, 2012
Third and Final Reading

Deborah A. Norkavage, Mayor

Joann I. Personti, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS
ORDINANCE 552

An Ordinance allowing the Board of Adjustment more flexibility in scheduling appeal hearings by removing the requirement for the appeal to be heard within 20 days of the appeal being filed.

Fiscal Impact

None